

REMARKS

Claims 1-3 are pending in the present application, and are rejected. Claims 1-3 are herein amended.

Applicant's Response to the Claim Rejections under 35 U.S.C. § 112

Claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Office Action argues that the recitation of “retrieving a part corresponding to said machine part information” is indefinite because it is unclear whether the physical step of retrieving a part is being claimed. The Office Action also states that if the physical step of retrieval is being claimed, then claim 1 will conflict with claims 2 and 3.

The invention is a new method for efficiently retrieving new parts for a machine. This method does not include physical retrieval of a part, but does include the ordering of a part. The specification discloses previous, inefficient methods of ordering new parts via telephone, fax or inspection. The instant invention identifies features in the automation of this process so that parts can be ordered with greater efficiency. See page 1, line 11 to page 2, line 10.

For this reason, Applicant amends the claims to recite a method of retrieving a part of a machine, comprising the step of ordering a part corresponding to the machine part information. Furthermore, although not specifically rejected, Applicant has removed the limitation of a “disc-shaped portable” mass storage device to improve the scope of the claim.

Applicant's Response to Claim Rejections under 35 U.S.C. § 101

Claim 1 was rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The Office Action argues that although the process produces a useful, concrete and tangible result, the claimed invention is not within the technological arts and therefore the claimed invention is not patentable subject matter. The Office Action states that the recited steps could be performed in the mind or on paper.

In response to this rejection, Applicant amends the claims to recite technological elements. As originally drafted, the claims included a recitation of “data processing equipment,” which Applicant now re-introduces. Applicant respectfully submits that this amendment to recite “data processing equipment” is sufficient to overcome the rejection based on 35 U.S.C. § 101.

Applicant's Response to Claim Rejections under 35 U.S.C. § 103

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura (U.S. Patent No. 5,757,648).

The Office Action argues that **Nakamura** discloses the method as claimed, with the exception of a portable mass-storage medium and a portable personal computer. The Office Action argues that it would have been obvious to include these features. **Nakamura** discloses a machine tool control system which controls machine tools by transferring schedules from a tool center to a terminal for each machine tool.

On the other hand, the claimed method is directed at a method for retrieving machine parts. Applicant respectfully submits that **Nakamura** does not disclose the claimed method.

Nakamura is directed at assigning schedules to machine equipment under various conditions. See column 2, line 6 to column 3, line 46. **Nakamura** contains no disclosure or suggestion of a method for retrieving parts. **Nakamura** does disclose retrieving information such as an identity of a substitute computer from a file so that it may assign a schedule to that computer. See column 2, lines 50-57. However, **Nakamura** contains no suggestion or disclosure of retrieving part information and ordering of parts based on that machine part information, as claimed in the instant application. For at least these reasons, Applicant respectfully submits that prima facie obviousness has not been established and traverses the rejection.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicant's undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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